

Collection, Manassas, Virginia under the terms of the Budapest Treaty on June 4, 1997), pETB2360210P (ATCC 98447, deposited at ATCC under the terms of the Budapest Treaty on June 4, 1997), <sup>and</sup> pETB899445P (ATCC 98446, deposited at ATCC under the terms of the Budapest Treaty on June 4, 1997) --.

*Initials  
Davel*

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

The insertion of the descriptive material on page 32 of the specification stands objected to under 35 U.S.C. §132 as allegedly introducing new matter. Applicant has canceled the insertion of information regarding the constructs claimed in the originally filed application. Applicants have amended the specification to reference the names of these constructs on page 33 of the specification. Withdrawal of the objection under 35 U.S.C. §132 is requested.

Claims 1, 4-6, 18, 21-23, 29-31, 37-39, 43-44, 47-49, 53, 56-58, 62, and 65-67 are pending.

Claims 1, 4-6, 12-14, 18, 21-23, 29-31, 37-39, 43-44, 47-49, 53, 56-58, 62, and 65-67 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly containing new matter not described in the specification.

Claim 1 as amended in the response dated March 24, 1999 is drawn to a superantigen toxin DNA fragment which has been altered such that binding of the encoded toxin to multiple subsets of T-cell antigen receptors is altered. The claim is

believed to encompass, not any generic mutation, but a mutation which alters the binding of the toxin to multiple subsets of T-cell antigen receptors. Several examples of such mutants are exemplified in the application. As indicated in Examiner's Office Action dated July 19, 1999, on page 4, Example 8 provides examples of such SEA mutants. In the response dated December 14, 1999, Applicants provided support for the claim by providing further examples (Example 9, and Example 4, Fig 2c.) of SEB mutants with altered binding to multiple subsets of T-cell antigen receptors.

Since Applicants have described the design of these mutants and how such mutants were chosen, and exemplified the production and testing of such mutants for at least two different superantigen toxins, Applicants believe that the claim is enabled and does not constitute new matter. Withdrawal of the rejection is respectfully requested.

The specification has been amended to reflect the deposit information as requested by Examiner. Claims 37-39 are believed to be enabled. Withdrawal of the rejection is respectfully requested.

All objections and rejections have been addressed. This application is believed to be in condition for allowance, and Notice to that effect is respectfully solicited.

Respectfully submitted,

By   
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to

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By   
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